

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

N.C., individually and on behalf of A.C., a
minor,

Plaintiff,

v.

PREMERA BLUE CROSS,

Defendant.

CASE NO. 2:21-cv-01257-JHC

ORDER

This matter comes before the Court on the parties' cross-motions for summary judgment. Dkts. ## 48, 53. The Court held oral argument on October 24, 2022. Dkt. # 66. At the hearing, both parties conceded that the Court is permitted to look outside the administrative record, specifically to alternate medical necessity guidelines, to assist in determining the meaning of "generally accepted standards of medical practice." *See* AR 5949.

The Court hereby ORDERS the parties to provide supplemental briefing on which medical necessity guidelines the Court should look to (e.g., Milliman, CASII, etc.) and why. The Court requests that the parties include in their briefing any cases on *de novo* review where courts have looked outside the administrative record in defining "generally accepted standards of medical practice" (or similar terms), and/or any cases on *de novo* review where courts have

1 specifically found they are unable to do so. Briefing shall be limited to seven (7) pages and shall
2 be submitted no later than Monday, March 6, 2023.

3 The Court also ORDERS the parties to attach copies of their proposed guidelines as
4 exhibits to declarations.¹

5 The Court further DIRECTS the Clerk to renote the cross motions at Dkts. # 48 and # 53
6 for March 6, 2023.

7 Dated this 27th day of February, 2023.

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10 John H. Chun
11 United States District Judge
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24 ¹ If the parties believe that an older version of certain guidelines should be used (based on the
time when Premera initially processed the claim), they should attach the older/relevant version.